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16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 18-839-SJO

21 Plaintiff,

22 ORDER CONTINUING TRIAL DATE AND  
23 FINDINGS REGARDING EXCLUDABLE TIME  
24 PERIODS PURSUANT TO SPEEDY TRIAL  
25 ACT

26 JAMES R. McDANIEL,

27 [PROPOSED] TRIAL DATE: November 5,  
28 2019

1 The Court has read and considered the Stipulation Regarding  
2 Request for (1) Continuance of Trial Date and (2) Findings of  
3 Excludable Time Periods Pursuant to Speedy Trial Act, filed by the  
4 parties in this matter on August 1, 2019. The Court hereby finds  
5 that the Stipulation, which this Court incorporates by reference into  
6 this Order, demonstrates facts that support a continuance of the  
7 trial date in this matter, and provides good cause for a finding of  
8 excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

9 The Court further finds that: (i) the ends of justice served by  
10 the continuance outweigh the best interest of the public and

1 defendant in a speedy trial; (ii) failure to grant the continuance  
2 would be likely to make a continuation of the proceeding impossible,  
3 or result in a miscarriage of justice; and (iii) failure to grant the  
4 continuance would unreasonably deny defendant continuity of counsel  
5 and would deny defense counsel the reasonable time necessary for  
6 effective preparation, taking into account the exercise of due  
7 diligence.

8 THEREFORE, FOR GOOD CAUSE SHOWN:

9 1. The trial in this matter is continued from August 6, 2019  
10 to November 5, 2019 at 9:00 a.m.

11 2. The time period of August 6, 2019 to November 5, 2019,  
12 inclusive, is excluded in computing the time within which the trial  
13 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),  
14 and (B)(iv). Under the Speedy Trial Act, the last day for trial to  
15 commence would be November 19, 2019.

16 3. Nothing in this Order shall preclude a finding that other  
17 provisions of the Speedy Trial Act dictate that additional time  
18 periods are excluded from the period within which trial must  
19 commence. Moreover, the same provisions and/or other provisions of  
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1 the Speedy Trial Act may in the future authorize the exclusion of  
2 additional time periods from the period within which trial must  
3 commence.

4 IT IS SO ORDERED.

5 *S. James Otero*  
6

7 August 1, 2019

8 DATE

9 HONORABLE S. JAMES OTERO  
10 UNITED STATES DISTRICT JUDGE

11 Presented by:

12 /s/  
13 RUTH C. PINKEL  
14 Assistant United States Attorney

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